In the Claims:

Please cancel claims 12-18 without prejudice. Applicant reserves the right to pursue this subject matter in this or any other appropriate patent application. Cancellation of these claims makes no admission regarding the patentability of this subject matter and should not be so construed.

Please add claims 20-29 as follows. The Examiner is referred to pages 9-16 of the specification for definitions of relevant terms.

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20. (New) A method of detecting the presence of urinary pathogens in a biological sample and of simultaneously determining the susceptibility of the urinary pathogens to antimicrobial agents, said method comprising:

providing a multicompartment assay device comprising: at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; at least one compartment comprising a uropathogenic specific medium; and, at least one compartment comprising an antimicrobial susceptibility interpretation medium;

placing a portion of the biological sample respectively in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; said at least one compartment comprising a uropathogenic specific medium; and, said at least one compartment comprising an antimicrobial

susceptibility interpretation medium comprising an antimicrobial agent;

whereby growth of organisms in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms indicates the presence of microbial organisms in the sample; growth of organisms in said at least one compartment comprising a uropathogenic specific medium indicates the presence of urinary pathogens in the sample, and growth of organisms in said at least one compartment comprising an antimicrobial susceptibility interpretation medium indicates that the organisms lack susceptibility to the antimicrobial agent comprised in said antimicrobial susceptibility interpretation medium; and

examining the compartments to determine the presence of urinary pathogens in said biological sample and the susceptibility of said urinary pathogens to said antimicrobial agents.

A2 cont'd

21. (New) The method of claim 20, wherein the biological fluid is urine.

22. (New) The method of claim 21, wherein the urinary pathogens are primary gram negative urinary pathogens.

23. (New) The method of claim 22 wherein the primary gram negative urinary pathogens comprise *Enterobacteriacae*.

24 (New) The method of claim 22 wherein the primary gram negative urinary pathogens are selected from the group consisting of: *Escherichia coli*, *Klebsiella spp.*, *Enterobacter*

spp., *Proteus mirabilis Proteus vulgaris*, *Morganella morganii*, *Providencia retteri*, and *Acinetobacter spp.*

25. (New) ~~The method~~ of claim 21 wherein the urinary pathogens are selected from the group ~~consisting of~~: *Staphylococcus aureus*, *Enterococcus faecalis*, or *Streptococci*.

26. (New) The method of claim 20 wherein the at least one antimicrobial susceptibility interpretation medium comprises amoxicillin, clavulanic acid/amoxicillin, or enrofloxacin.

27. (New) A method of detecting in a biological sample the presence of a majority of pathogens associated with a particular disease state which may be caused by at least two different genera of microbes, and of simultaneously determining the susceptibility of such pathogens to antimicrobial agents, provided that the pathogens associated with a particular disease state are not solely coliforms, said method comprising:

providing a multicompartment assay device comprising: at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; at least one compartment comprising a medium capable of sustaining growth of a majority of pathogens associated with a particular disease state which may be caused by at least two different genera of microbes; and, at least one compartment comprising an antimicrobial susceptibility interpretation medium;

placing a portion of the biological sample respectively in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms; said at least one compartment comprising a medium capable of sustaining growth of a majority of pathogens associated with a particular disease

state which may be caused by at least two different genera of microbes; and, said at least one compartment comprising an antimicrobial susceptibility interpretation medium comprising an antimicrobial agent;

whereby growth of organisms in said at least one compartment comprising a medium capable of sustaining growth of total microbial organisms indicates the presence of microbial organisms in the sample; growth of organisms in said at least one compartment comprising a medium capable of sustaining growth of a majority of pathogens associated with a particular disease state which may be caused by at least two genera of microbes indicates the presence of pathogens associated with the particular disease state in the sample, and growth of organisms in said at least one compartment comprising an antimicrobial susceptibility interpretation medium indicates that the organisms lack susceptibility to the antimicrobial agent comprised in said antimicrobial susceptibility interpretation medium; and

examining the compartments to determine the presence of pathogens associated with a particular disease state in said biological sample and the susceptibility of said pathogens to said antimicrobial agents.

28 (New) The method of claim 27 wherein the disease state is a urinary tract infection.

29. (New) The method of claim 27 wherein the pathogens are bacterial organisms or fungal organisms.

30. (New) The method of claim 27 wherein the biological fluid is urine, blood, saliva, cerebrospinal fluid, fluid from a wound, a chemical sample, or an environmental sample.

REMARKS

The Applicants provide a new declaration in accordance with the Examiner's requirement. The post office addresses are identical to the residence addresses, but the Applicants nevertheless provide a new declaration.

The abstract has been re-written to describe the elected invention.

1. **Claims 12-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 12-18 have been canceled. Claims 20-28 are new claims which clarify the present invention. The rejection under 35 U.S.C. § 112 is moot in view of the claim cancellations. However, the Examiner's comments have been considered in drafting the added claims. These new claims add no new matter, are fully supported by the application as originally filed, and